

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

DOCKET NO. 05-111547RWZ

LAUREN VARALLO
Plaintiff,

v.

**TOWN OF NANTUCKET POLICE
DEPARTMENT and JAMES SAMSON,**
Defendant,

MOTION TO REMOVAL DEFAULT AND ANSWER LATE

The defendant, Town of Nantucket moves this Court to remove the default entered against it and permit it to file the attached answer to the Complaint late.

As grounds therefor, the defendant states:

1. This action was commenced in the United States District Court with service being made upon the defendant on or about November 1, 2005.
2. Counsel for the defendant Town of Nantucket, Douglas I. Louison has been retained by the Town of Nantucket's insurance carrier. An unavoidable delay was incurred in forwarding the suit documents from the defendant to the carrier and on to defense counsel resulting in a short delay in the preparation and filing of an answer.
3. The Town of Nantucket has a meritorious defense and should be permitted to proceed with the defense of the claim. No prejudice will enure to the plaintiff by the allowance of said motion.
4. Counsel for the plaintiff Bradley Henry has advised defense counsel that he will not oppose the within motion.
5. The defendant further relies on the attached affidavit of Attorney Douglas I. Louison

Defendant, TOWN OF NANTUCKET,
By its attorney,

/s/ Douglas I. Louison

Douglas I. Louison (BBO # 545191)
MERRICK, LOUISON & COSTELLO
67 Batterymarch Street
Boston, MA 02110
(617) 439-0305

CERTIFICATE OF SERVICE

I, Douglas I. Louison, hereby certify that on the ____ day of _____, 2005,
I served the foregoing by causing a copy to be mailed, postage prepaid, directed to **Bradley
Henry, Esquire**, Meehan, Boyle, Black & Fitzgerald, PC, Two Center Plaza, Suite 600, Boston,
MA 02108 and **Philip Slotnick, Esquire**, Shocket & Dockser, LLP 6 Huron Drive, PO Box
2219, Natick, MA 01760.

/s/ Douglas I. Louison

Douglas I. Louison